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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,124	11/05/1999	EIICHI HOSHINO	0649-0706P-S	3521
7590 03/24/2004 BIRCH STEWART KOLASCH & BIRCH LLP P O BOX 747 FALLS CHURCH, VA 220400747			EXAMINER TSOY, ELENA	
			ART UNIT 1762	PAPER NUMBER
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/434,124

Applicant(s)

HOSHINO ET AL.

Examiner

Elena Tsoy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 23 and May 21, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-14,16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,11-13,18-25 is/are rejected.
- 7) ☒ Claim(s) 4,5,7-10,14,16 and 26-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. Amendments filed on April 23 and May 21, 2003 have been entered. Claims 6, 15, 17 have been cancelled. New claims 18-29 have been added. Claims 1, 3-5, 7-14, 16, 18-29 are pending in the application.

Claim Objections

2. Objection to claim 1 because of the following informalities has been withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Rejection of claims 14-17 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention has been withdrawn. Applicants assert that no new matter has been added with new claims 14-17 since they are supported by specification at page 16, line 20 to page 17, line 5.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Rejection of claims 1, 3-17 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. **Claims 1, 3, 11, 23, 24** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 4 of U.S. Patent No. 6,576,604 in view of JP10179498. Claims 3, 4 of US 6,576,604 are directed to an adhesive mold removing cleaning sheet comprising a liquid-permeable supporting sheet, an active mold removing ingredient member, a water-soluble adhesive sheet comprising a water-soluble (hydrophilic) polymer, a second supporting sheet (an isolating layer), which separates the active mold removing ingredient member from the water-soluble adhesive sheet, wherein the water-soluble adhesive sheet develops adhesiveness by hydrating with water thereby adhering to an object to be cleaned by means of said water-soluble adhesive sheet. US 6,576,604 fails to show that the liquid-permeable supporting sheet has a basis weight 5-200 g/m², the second supporting sheet has a basis weight 2-100 g/m², the active mold removing ingredient member has thickness of not more than 5 mm, the water-soluble adhesive sheet has thickness of not more than 5 mm and comprises a polyol plastisizer in addition to a water-soluble (hydrophilic) polymer, the amount of the water-soluble (hydrophilic) polymer being at least 30 wt %.

JP10179498 teaches an adhesive cleaning sheet for mold removing by adhering the sheet to an object to be cleaned by means of a water-soluble adhesive sheet can be made using very thin sheets having thickness of not more than 1 mm (See Translation, [0057], [0065]) with supporting sheet 32 and isolating sheet 33 of a low basis weight of e.g. 40 g/m² to provide liquid permeability (See Translation, [0050], [0069]), with the addition of a plasticizer, e.g. polyol plasticizer, to a hydrophilic adhesive polymer in an adhesive sheet to increase its softness and moldability (See Translation, [0027]), [0028], and using the hydrophilic adhesive polymer in the adhesive sheet in an amount of at least 30 wt % to provide good adhesiveness to an object to be cleaned.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed an adhesive mold removing cleaning sheet of US 6,576,604 from thin sheets of less than 1 mm thickness, with supporting sheets of a low basis weight of e.g. 40 g/m², with a plasticizer, e.g. polyol plasticizer, added to a water-soluble adhesive polymer, with the amount of the adhesive polymer in an adhesive sheet of at least 30 wt % with the expectation of providing the desired liquid permeability of supporting sheets and increased softness, moldability and good adhesiveness of the water-soluble adhesive sheet, as taught by JP10179498.

9. **Claims 12, 13** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 4 of U.S. Patent No. 6,576,604 in view of JP10179498, further in view of JP 09228212.

JP 10179498 further teaches that the isolating layer 33 is made from a material similar to a material of supporting layer (See Translation, [0050]); and the supporting layer is made from

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any water permeable material having favorable water permeability such as paper, cloth, etc. (See Translation, [0039]).

US 6,576,604 in view of JP 10179498 fails to teach that the isolating layer 33 is spun lace nonwoven.

JP 09228212 teaches that spun lace nonwoven is an excellent material for cleaning since it has high tensile strength in both the machine and the cross directions and flexibility and is excellent in touch when dry or wet (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used spun lace nonwoven material for making an isolating layer in a cleaning sheet of US 6,576,604 in view of JP 10179498 with the expectation of providing the desired strength in both the machine and the cross directions and flexibility, as taught by JP 09228212.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 18-22, 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10179498 in view of Thies et al (US 4,464,317).

JP 10179498 discloses an adhesive mold removing cleaning sheet 10 comprising a liquid-permeable supporting sheet 12 (See Fig. 1; Translation, [0055]) having a basis weight of e.g. 40

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g/m² to provide liquid permeability (See Translation, [0050], [0069]) and having thickness of e.g. 0.36 mm (See Translation, [0065]), an adhesive member 11 having thickness of e.g. 1 mm (See Translation, [0057]) and comprising a hydrophilic adhesive (See Translation, [0008], [0009]) and a plasticizer, e.g. polyol plasticizer (See Translation, [0027]), the hydrophilic adhesive having admixed therewith a multitude of particles of a mold removing ingredient (See Fig. 3; Translation, [0006], [0026]). The adhesive sheet 11 should contain at least 30 wt % of the hydrophilic adhesive to provide good adhesiveness to an object to be cleaned (See Translation, [0021]), with a water content 0.1-60 wt % (See Translation, [0030]). The hydrophilic adhesive contains a polymer selected from (i) a polymer having a salt forming group, (ii) a non-ionic water-soluble polymer, (iii) gelatin, (iv) an emulsion polymer, and (v) a cross-linked product of the polymers (i)-(iv) (See Translation, [00009]. The polymer having a salt forming group is a water-soluble sodium styrenesulfonate/methacrylic acid copolymer (See Translation, [0009]; page 39, compound No. 7). The adhesive member is prepared by blending a hydrophilic adhesive, a surfactant, etc. (See Translation, [0057].

JP 10179498 fails to teach that each particle of the plurality of dispersed active ingredient particles is covered by an isolating layer.

Thies et al teach that encapsulation (covering by an isolating layer) of particles of an active agents such as mildew preventing agents (See column 3, lines 8-16) allows to control the release rate of the active agent upon gradual fragmentation of formed capsules in water containing environment (See column 7, lines 19-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have covered each particle of a plurality of dispersed particles of a mold removing

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ingredient in a cleaning sheet of JP 10179498 with an isolating layer thereby separating the mold removing ingredient from the water containing environment with the expectation of providing the desired control release of the mold removing ingredient, as taught by Thies et al.

Allowable Subject Matter

12. Claims 4, 5, 7-10, 14, 16, 26-29 are objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments with respect to rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (571) 272-1429. The examiner can normally be reached on Mo-Thur. 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read 'ETsoy'.

Elena Tsoy
Examiner
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March 17, 2004